

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
PACIFIC LIFE INSURANCE COMPANY and
PACIFIC LIFE & ANNUITY COMPANY,

Plaintiffs,

-against-

U.S. BANK NATIONAL ASSOCIATION and BANK
OF AMERICA, NA,

Defendants.
----- X

Index No. 16-cv-00555-PGG

**DECLARATION OF
PETER S. FIEK**

Peter S. Fiek, of full age, declares pursuant to 28 U.S.C. § 1746 as follows:

1. I currently am Assistant Vice President of Portfolio Management of Pacific Life Insurance Company and Pacific Life & Annuity Company (collectively “PacLife”), insurance companies with their principal place of business in Newport Beach, California. I make this declaration based on personal knowledge and review of records kept by PacLife in the ordinary course of business. Pacific Life Insurance Company and Pacific Life & Annuity Company sold the following certificates: ARMT 2005-10 3-A-1-2 (CUSIP 007036TF3), BAFC 2007-D 3-A-3 (CUSIP 05952GAV3), BSARM 2005-7 I-A-2 (CUSIP 07387ADX0), CMALT 2007-A4 IA-16 (CUSIP 12566VAR3), CMALT 2007-A4 IA-2 (CUSIP 12566VAB8), CMALT 2007-A4 IA-15 (CUSIP 12566VAQ5), CMALT 2007-A6 IA-3 (CUSIP 18976GAC0), CMLTI 2005-7 2-A5B (CUSIP 17307GD96), CMLTI 2006-AR1 I-A2 (CUSIP 17307G3A4), CMLTI 2007-AR5 2-A2A (CUSIP 17311LAJ0), JPALT 2006-S2 A-7 (CUSIP 46628CAH1), JPALT 2006-S4 A-7 (CUSIP 466302AK2), JPMMT 2005-A7 3-A-2 (CUSIP 466247XD0), WAMU 2006-AR2 2-A2 (CUSIP 92925CDT6), WAMU 2007-HY1 2-A2B (CUSIP 92925VAE0), WAMU 2007-HY1 3-A3

(CUSIP 92925VAK6), WAMU 2007-HY3 3-A2 (CUSIP 933634AF4), WAMU 2007-HY7 4-A1 (CUSIP 93364FAL5), WMALT 2007-4 1-A-2 (CUSIP 93936NAB9), and WFMBS 2006-AR1 II-A-6 (CUSIP 94983JAH5). The certificates in this paragraph are, collectively, the “Sold Certificates.”

2. Before the sales, PacLife’s investments in the Sold Certificates were managed by employees at PacLife’s office in Newport Beach, CA (the “Newport Beach Office”).

3. The employees of PacLife who conducted the activities relating to the sales (including deciding whether to sell, executing and settling the sales, and accounting for the sales) were physically located in the Newport Beach Office. I was one of PacLife’s employees involved in some of the activities in connection with selling the Sold Certificates.

4. The employees of the entities that bought the Sold Certificates – Bank of America, Barclays, Credit Suisse, Jefferies, JP Morgan, Morgan Stanley, and Royal Bank of Scotland (“Buyers”) – were also located in California, specifically:

Cusip	Buyer	Office Location
007036TF3	Credit Suisse	San Francisco, CA
05952GAV3	Barclays	San Francisco, CA
07387ADX0	Credit Suisse	San Francisco, CA
12566VAR3	Morgan Stanley	San Francisco, CA
12566VAB8	Royal Bank of Scotland	Los Angeles, CA
12566VAQ5	Morgan Stanley	San Francisco, CA
18976GAC0	Barclays	San Francisco, CA
17307GD96	Bank of America	Los Angeles, CA
17307G3A4	Royal Bank of Scotland	Los Angeles, CA
17311LAJ0	Barclays	San Francisco, CA
46628CAH1	Royal Bank of Scotland	Los Angeles, CA
466302AK2	Credit Suisse	San Francisco, CA
466247XD0	Credit Suisse	San Francisco, CA
92925CDT6	Credit Suisse	San Francisco, CA
92925VAE0	Jefferies	Los Angeles, CA
92925VAK6	JP Morgan	Los Angeles, CA
933634AF4	JP Morgan	Los Angeles, CA
93364FAL5	JP Morgan	Los Angeles, CA
93936NAB9	Credit Suisse	San Francisco, CA

Cusip
94983JAH5

Buyer
Credit Suisse

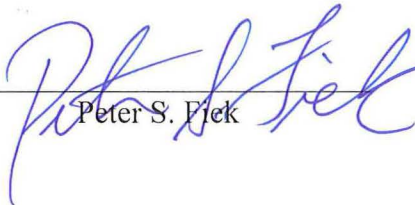
Office Location
San Francisco, CA

5. The business records of PacLife concerning the sale of the Sold Certificates are located at the Newport Beach Office.

6. PacLife did not intend to transfer any legal claims against U.S. Bank National Association or Bank of America, N.A. or any other parties when it sold the Sold Certificates, and no agreement with any of the Buyers reflects any such transfer. I am not aware of any PacLife employee ever expressing any intent to transfer legal claims in connection with the Sold Certificates.

7. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 7, 2018


Peter S. Fick